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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,177	04/20/2001	Erik Riedel	10008120-1	1565
22879	7590	04/08/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			NGUYEN, VAN H	
			ART UNIT	PAPER NUMBER
			2126	5

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,177

Applicant(s)

RIEDEL, ERIK

Examiner

VAN H NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 are presented for examination.

Claim Objections

2. Claim 14 is objected to because of the following informalities:

As to claim 14, the phrase "*the method* of claim 9" (line 1) should read "*the distributed system* of claim 9"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 8-10, 14-17, 20-21, 23, 25, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by **O'Sullivan et al.** (U.S. 6,560,656 B1).

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5. As to claim 1, O'Sullivan teaches the invention as claimed including a method of responding to a request in a distributed system, the distributed system including a plurality of hosts, wherein each host is operable to respond to at least one type of request (*fig.4 and associated text*), the method comprising steps of:

- receiving a multicasted message, the message including a request (*e.g., a multicast packet including request; col.2, lines 52-58/a multicast packet is a message sent to a plurality of devices in a net work; col.7, lines 26-33*);

- determining a type of the request (*e.g., include in multicast packet 417 an identification of the type of object transmitted; col.7, lines 27-39*); and

- responding to the request based on the type of the request (*e.g., When receiving machine 408 receives multicast packet 417, it identifies the type of transmitted object. In order to send the response and communicate with device 401, receivers 408, 411, and 414 use the reference from device 401 to transmit calls 419, 423, and 424 to code server 405 in order to obtain code 404 for communicating with device 401; col.7, lines 27-39*).

6. As to claim 2, O'Sullivan teaches designating a subset of the plurality of hosts for each type of request (*col.7, lines 26-67*).

7. As to claim 3, O'Sullivan teaches a host of the plurality of hosts responding to the request in response to the host being included in a subset for the type of the request (*col.7, lines 26-59*).

8. As to claim 8, O'Sullivan teaches the type of request includes one of a meta data request and a data request (*col.7, lines 60-67*).

9. As to claim 21, O'Sullivan teaches receiving a multicasted message via a network in the distributed system (*fig.4 and associated text*).

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10. As to claims 9-10, they are directed to a distributed system for performing the method of claims 1-2, and are similarly rejected under the same rationale.
11. As to claim 14, note the discussion of claim 8 above for rejection.
12. As to claim 23, note the discussion of claim 21 above for rejection.
13. As to claims 15-17, 20, and 25, they are directed to computer readable medium for implementing the method of claims 1-3, 8, and 21 above, and are similarly rejected under the same rationale.
14. As to claim 27, it is directed to a node in a network for performing the method of claim 1 above, and is similarly rejected under the same rationale.
15. As to claim 28, O'Sullivan teaches means for responding to the request in response to the node being included in a subset of nodes operable to respond to the type of the request (col.7, lines 26-67).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4-6, 11-13, 18-19, 22, 24, 26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Sullivan** in view of **Chang** (U.S. 6,058,113).

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18. As to claim 4, O'Sullivan does not explicitly teach determining whether responding to the request includes providing a state-changing response.

Chang teaches determining whether responding to the request includes providing a state-changing response (*col. 2, lines 28-41 and col.9, line 42-col.10, line 8*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of O'Sullivan and Chang because Chang's teaching would have provided the flexibility for the distributed system as taught by O'Sullivan.

19. As to claim 5, O'Sullivan teaches generating multiple responses from multiple hosts in the subset for the type of the request (*col.7, lines 7, lines 27-67*).

O'Sullivan does not explicitly teach transmitting the multiple responses to a client in response to the responding including a non-state-changing-response; and synchronizing the multiple responses in response to the responding including a state changing-response.

Chang teaches transmitting the multiple responses to a client in response to the responding including a non-state-changing-response; and synchronizing the multiple responses in response to the responding including a state changing-response (*col. 2, lines 28-41 and col.9, line 42-col.10, line 8*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of O'Sullivan and Chang because Chang's teaching would have provided the flexibility for the distributed system as taught by O'Sullivan.

20. As to claim 6, O'Sullivan teaches designating a synchronizing host operable to facilitate transmitting one of the multiple responses to the client (*fig.4 and associated text*).

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21. As to claim 22, O'Sullivan does not explicitly teach the state-changing response includes changing a state of data stored in the host.

Chang teaches the state-changing response includes changing a state of data stored in the host (*col.9, line 42-col.10, line 8*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of O'Sullivan and Chang because Chang's teaching would have provided the flexibility for the distributed system as taught by O'Sullivan.

22. As to claim 11, note the discussion of claim 4 above for rejection.

23. As to claim 12, O'Sullivan teaches the subset for the type of the request includes a synchronization host (*fig. 4, and associated text*).

O'Sullivan does not explicitly teach the synchronization host is operable to facilitate transmitting a single response to a client in response to the multiple hosts in the subset generating a state- changing response.

Chang teaches the synchronization host is operable to facilitate transmitting a single response to a client in response to the multiple hosts in the subset generating a state- changing response (*col.9, line 42-col.10, line 8*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of O'Sullivan and Chang because Chang's teaching would have provided the flexibility for the distributed system as taught by O'Sullivan.

24. As to claim 13, note the discussion of claim 5 above for rejection.

25. As to claim 24, note the discussion of claim 22 above for rejection.

26. As to claims 18-19, note the discussion of claims 4-5 above for rejection.

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27. As to claim 26, note the discussion of claim 22 above for rejection.

28. As to claim 29, note the discussion of claim 4 above for rejection.

29. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Sullivan** in view of **Chang** as applied to claims 4-6 above and further in view of **Combar et al.** (U.S. 6,515,968 B1).

30. As to claim 7, O'Sullivan teaches transmitting a message to each host in the subset for the type of the request, the message indicating that a response has been transmitted to the client (*col.7, lines 27-67*).

The combination of O'Sullivan and Chang, however, does not explicitly teach deleting the request from a queue for each host receiving the message.

Combar teaches deleting the request from a queue for each host receiving the message (*col.25, lines 25-53*).

It would have been obvious to one of ordinary skill in the art to combine Combar's teachings in the system of O'Sullivan as modified by Chang because Combar's teachings would have provided the capability for facilitating the service of the request in the distributed system.

Response to Arguments

31. Applicants' arguments filed January 22, 2004 have been considered but are moot in view of the new ground(s) rejection.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bertrand et al. (U.S.6604142) teaches "Method of filtering responses to gatekeeper discovery multicast request message."

- Wei et al. (U.S.6515967) teaches "Method and apparatus for detecting a fault in a multicast routing infrastructure."

- Perlman (U.S. 5079767) teaches "Method of multicast message distribution."

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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